

# PROPOSED CHANGES TO THE FACULTY MANUAL CONCERNING CONSENSUAL RELATIONSHIPS

## Goals

The goals of these changes are twofold: (1) to provide greater protections against exploitation of students by delineating more limited circumstances in which relationships between faculty members and students are permissible. (2) to minimize conflicts of interests regarding the relationships between members of the faculty and employees (either faculty or staff).

## Recommendations and Rationale

1. ***Create a section on consensual relationships.*** The current manual has a single statement regarding consensual relationships within teaching responsibilities and pertains solely to relationships with students. The proposed changes deletes the current language under *Teaching Responsibilities*, creates a separate section (after political activity and before civility), and pertains to both students and employees. The proposed changes broaden the scope of relevance to relationships to address relationships with employees (faculty or staff). Thus, the policy statement does not belong in the section on teaching responsibilities. Further, it requires sufficient elaboration to warrant its own section.
2. ***Broaden the scope of prohibited relationships.*** The current version of the consensual relationships prohibition is narrow, only restricting relationships where the faculty member is the instructor or supervisor of the faculty member. As summarized in the Appendix, Benchmarking against the public SEC universities and other nearby public institutions (n=22), 13% (3) had no prohibition and, of the remainder, none had statements as narrow as the UofSC statement. The majority had a broader prohibition (55% undergraduate and 82% graduate), and the remainder had a total ban (32% graduate and 5% undergraduate). Institutions with a total ban allowed for exceptions, which required the exercise of judgment that we felt would introduce unnecessary complexity to implementing the policy. We therefore felt a broader definition was appropriate. Broader definitions reference roles outside the classroom and outside direct reporting relationships by including phrases such as “evaluative responsibility of any kind” or “direct and indirect academic or supervisory responsibility.” Using these benchmarks as a guide, the proposed changes prohibits relationships with direct or indirect academic or supervisory authority. Additionally, we included specific references to time (i.e., the consensual relationship had occurred in the past or is occurring, and the authority relationship exists or is reasonably likely to exist in the future). Finally, we reference circumstances in which the consensual relationship precedes the authority relationship, which require disclosing the relationship in order to remove conflict of interests.

## TEACHING RESPONSIBILITY

At the beginning of each term, instructional staff members shall state clearly in a syllabus the instructional objectives of each course they teach. They shall seek to fulfill these objectives and give examinations consistent with them. Instructional staff members shall follow the course descriptions published in the university *Undergraduate Studies Bulletin* and *Graduate Studies Bulletin*.

Instructional staff members shall inform their students about how they determine final grades and any attendance requirements that differ from the university attendance policy. At the request of a student, a faculty member should provide, before the free drop date, an evaluation of the student's progress.

Instructional staff members shall retain final examinations for one semester and should review graded examinations and papers with their students, if the students desire. They should grade and return examinations promptly.

Instructional staff members should meet their classes regularly at scheduled times. If unable to meet their classes, they shall notify the dean or department chair.

Instructional staff members should post a reasonable number of convenient office hours, as determined administratively, with the option of appointments.

~~Instructional staff members shall refrain from engaging in romantic or sexual relations with students over whom they have academic or supervisory control.~~

Instructional staff members responsible for academic advising should be in their offices at specified hours during registration.

## POLITICAL ACTIVITY

Faculty members may seek public office if the candidacy will not interfere with their normal duties or present a conflict of interest. Before a faculty member announces for public office, the president must approve each and every candidacy. If the president determines that the candidacy would interfere with the faculty member's normal duties, the president may require the faculty member to take leave without pay or resign before announcing for office. No person may use university or other government personnel, equipment, materials, or facilities in an election campaign. See also University Policy HR 1.02 University of South Carolina Ethics Policy. Full-time faculty members normally shall not engage in or manage statewide campaigns or seek political positions that pay compensation.

## CONSENSUAL RELATIONSHIPS

As a general principle, the university believes that sexual or romantic relationships between students and faculty, even where consensual, is inconsistent with university values. Such

relationships can harm the educational environment and damage the integrity of the academic enterprise. Further, such relationships may expose the employee and university to liability related to sexual harassment or discrimination.

For these reasons, faculty are prohibited from having a romantic or sexual relationship with any student over which the faculty member currently has or in the future might be reasonably expected to have academic responsibility or administrative authority over the student. "Academic responsibility" includes, but is not limited to, teaching, grading, mentoring, advising on or evaluating research or other academic activity, participating in decisions regarding funding or other resources, clinical supervision, and recommending for admissions, employment, fellowships or awards.

Additionally, faculty members shall not exercise academic responsibility over students with whom they have or previously had a sexual or romantic relationship. Should a relationship come into potential violation of this policy, the faculty member must disclose the relationship to their direct supervisor. The supervisor, in consultation with the Office of the Provost and Division of Human Resources, will promptly make arrangements for other oversight of the student.

Consensual sexual or romantic relationships between employees, including faculty, are not prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are problematic. When such relationships occur, the person in the position of greater authority or power must disclose the relationship to their direct supervisor. The supervisor, in consultation with the Office of the Provost and Division of Human Resources, will promptly make arrangements for other oversight of the other party.

For additional information see policy HR X.XX Consensual Relationships.

## Appendix

### Benchmark Summary of SEC and Neighboring Public Institutions

School	Ugrad scope	Grad scope	Key Language
<u>Auburn University</u>	broad	broad	It is considered a serious breach of professional ethics for a member of the faculty to initiate, pursue, or participate in a romantic, intimate, or sexual relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is being supervised by the faculty member.
<u>LSU</u>	blanket	blanket	no teacher who has any type of faculty appointment shall have a sexual or amorous relationship with any student In the case in which a teacher has a relationship that predates the entry of the other partner into LSU Health Sciences Center Shreveport schools or residency/post graduate training, the partner who has the role of teacher must not directly supervise, grade or evaluate the partner who has the role of student throughout the period of his/her matriculation.
<u>Mississippi State</u>	blanket	broad	1. Relationships between any University employee and any student currently enrolled as an undergraduate student at the University. 2. Relationships between any graduate student and any University employee who teaches, advises, supervises, or evaluates that graduate student in their academic and/or research capacity. 3. Relationships between any intercollegiate athletic coach or other employee working principally in intercollegiate athletics, and any student-athlete or other undergraduate student associated with an intercollegiate athletic program.
<u>MUSC</u>	broad	broad	any member of the University community who enters into a consensual relationship with someone over whom they have supervisory, decision-making, oversight, evaluative, or advisory responsibilities shall take effective steps to remove themselves from any professional decisions concerning that individual.
<u>Texas A&amp;M University</u>	blanket	broad	...prohibited from pursuing or having a consensual relationship with an undergraduate student at that institution. .. is prohibited between a member employee and another individual (graduate student, staff, faculty, or third party) who is under the employee's authority or supervision...one of the following: authority over any term or condition of the other individual's employment or academic status; job duties making the employee directly or indirectly responsible for the other individual's hiring, supervising, evaluating, teaching, coaching, grading, advising, mentoring, or providing benefits to or obtaining benefits from the other individual, including employment.

<u>UF</u>	blanket	broad	Sexual or romantic relationships between faculty and undergraduate students, regardless of academic discipline, department, or college affiliation; Sexual or romantic relationships between faculty and graduate or professional students when both parties are affiliated with the same field, degree program or department, and under any circumstances in which the faculty member directly or indirectly exercises academic, evaluative, or supervisory authority over the student,
<u>University of Georgia</u>	broad	broad	A University employee, including a graduate teaching assistant, is prohibited from pursuing or having a romantic or sexual relationship with any student or University System of Georgia (USG) employee who the individual supervises, teaches, or evaluates in any way. Additionally... whose terms or conditions of education or employment the individual could directly affect.
<u>University of Alabama</u>	broad	broad	Employees are prohibited from engaging in consensual romantic or sexual relationships with any student or employee over whom they exercise any academic, administrative, supervisory, evaluative, counseling, advisory, or extracurricular authority or influence. Employees who have authority to influence aid, benefits, or services provided to a student may not engage in such relationships with students seeking that aid, benefits or services. Employees who have the authority to influence academic progress of a student are prohibited from having a consensual relationship with that student
<u>University of Arkansas</u>	broad	broad	any sexual or romantic relationship or interaction between two persons, regardless of sex or gender, where one person holds a position of authority over the other person. This authority may be academic or professional. A person who holds a position of authority is someone who has control or influence over the other person's educational, extra-curricular, or working environment at ASU, including but not limited to, admission, financial aid, scholarships, grades, coursework, evaluations, recommendations, discipline, or participation in University activities.
<u>University of Kentucky</u>	discouraged	discouraged	The University strongly urges those in positions of authority not to engage in conduct of an amorous or sexual nature with a person they are, or are likely in the future to be, in a position of evaluating.
<u>University of Mississippi</u>	broad	broad	direct or indirect
<u>University of Missouri System</u>	blanket	broad	Consensual romantic relationships between members of the University community are prohibited when one participant has evaluative or supervisory authority over the other. Such prohibited relationships include supervisory relationships between an employee (faculty, staff or student) and a student, as well as between a supervisor (faculty, staff or student) and a subordinate. Consensual romantic relationships between any undergraduate student and faculty and staff are prohibited. Consensual romantic relationships between undergraduate students and graduate students are permitted so long as it does not violate Section C.1

<u>University of Tennessee Appalachian State University</u>	broad	broad	Amorous or sexual relationship between a faculty member and a student are prohibited when the faculty member has professional authority over, or responsibility for, the student. This professional authority or responsibility encompasses both instructional and non-instructional contexts...simultaneously enrolled in a course being taught by the faculty member or whose academic or work performance is subject to supervision or evaluation by the faculty member. The instructional context includes not only classroom teaching and direct instruction, but also academic advising, mentoring, or tutoring. t. Outside the instructional context, a faculty member shall not take any action or make any decision that may reward or penalize a student with whom he or she has, or has had, an amorous or sexual relationship.
<u>University</u>	broad	broad	(1) when the employee is responsible for evaluating or supervising the affected student; (2) when the student is a minor, as defined by North Carolina law.
<u>Arkansas State University Clemson University</u>	broad	broad	This Policy prohibits any sexual or romantic relationship or interaction between two persons, regardless of sex or gender, where one person holds a position of authority over the other person. This authority may be academic or professional. A person who holds a position of authority is someone who has control or influence over the other person's educational, extra-curricular, or working environment at ASU, including but not limited to, admission, financial aid, scholarships, grades, coursework, evaluations, recommendations, discipline, or participation in University activities.
<u>University</u>	discouraged	discouraged	long statement discouraging it
<u>College of Charleston</u>	broad	broad	no faculty or staff member shall have an amorous relationship (consensual or otherwise) with a student who is enrolled in a course being taught by the faculty member or whose work is being supervised, evaluated, or otherwise impacted by the faculty or staff members.
<u>UNC Chapel Hill The University of North Carolina at Charlotte</u>	broad	broad	Prohibits amorous or sexual relationships between faculty or staff employees and (1) students they evaluate or supervise by virtue of their teaching, research, administrative, or other employment responsibility and (2) students who are minors below the age of eighteen.
<u>University of North Carolina at Charlotte</u>	broad	broad	prohibited from participating in the evaluation or supervision of a student with whom there is an Amorous Relationship, and are strongly discouraged from engaging in Amorous Relationships with any student...Failure to disclose an Amorous Relationship prior to participating in the evaluation or supervision of a student will result in disciplinary action.
<u>The university of Texas at Austin</u>	blanket	broad	prohibits any employee (including faculty) or affiliate of the University from engaging in a consensual relationship with any graduate student whom they teach, manage, supervise, advise, or evaluate in any way...prohibits any employee (including faculty) or affiliate of the University from engaging in a consensual relationship with any student currently enrolled as an undergraduate at the University.

Consistent with these policies, the following romantic or sexual relationships between faculty and students are prohibited: (a) Sexual or romantic relationships between faculty and undergraduate students, regardless of academic discipline, department, or college affiliation; and (b) Sexual or romantic relationships between faculty and graduate or professional students when both parties are affiliated with the same field, degree program or department, and under any circumstances in which the faculty member directly or indirectly exercises academic, evaluative, or supervisory authority over the student, or may be reasonably expected to do so in the foreseeable future.

University of  
Central Florida

blanket

broad

Winthrop  
University

discouraged

discouraged

For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical.